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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,626	08/16/2001	Mark Nair	12179	3004

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EXAMINER
FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 30 is rejected under 35 U.S.C. 101 because

the claimed invention is directed to non-statutory subject matter. It is non-statutory to

claim human beings, claim 30 claims human beings.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-29,31-50 are rejected under 35 U.S.C. 103(a) as being unpatentable

over US PAT 6,278,993 to Kumar et al. (Kumar).

As to claims 1,32,34,38,42, Kumar discloses a method and system for assisting a user to query for information over the Internet (title), checking a local database (29), if the local database contains at least one match, extracting the data and accepting a selection input (col 16, lines 51-52), determining the location and whether the local database has cached product information relating to the one product within a specified time limit (before the request), if the local database has not cached the information, searching the Internet (col 16, lines 63-67), displaying the results in HTML (inherent as that is how browsers read information) wherein the user may locate the at least one available offering (66, fig 3). The system would be performed by servers as these are how computers interface with the Internet.

As to claims 2,35, Kumar discloses the user using a user interface (69, as best seen in fig 4).

As to claim 3, Kumar does not specifically mention the user query as being one of a book title, author, music title or artist. It is very well known in the art to buy books and music over the Internet, and further, Kumar discloses the system as querying Amazon.com (col 15, lines 5-52), a well-known, Internet book-seller. Therefore, it would have been obvious for the query to be one of a book title, author, music title or artist as these are useful in finding music or books that a user might like.

As to claim 4, Kumar does not, however, teach the time limit as depending on Internet congestion and use of the available website. It would have been obvious to one of ordinary skill in the art to use these factors as it is well known for the Internet in

general and certain websites in particular to be slower during times of greater use and this would slow down the process.

As to claims 5,37,39, Kumar discloses a summary of all information about the webpage (col 19, lines 35-40), it would have been obvious to one of ordinary skill in the art to include elapsed time since the page was cached so the user could tell if the data is current.

As to claims 6,37 It is very well known in the art to give users "override input" in order to allow the users to change their minds, therefore, it would have been obvious to one of ordinary skill in the art to give the user "override input" to allow them change their search.

As to claim 7, Kumar discloses receiving a request to poll assigned websites (col 17, lines 45-48), analyzing the HTML structure of the website (col 19, lines 36-40), determining a location of the product information (inherent in that the data is stored, analyzed and presented), extracting product information and transmitting it (col 19, lines 7-9).

As to claim 8, Kumar discloses using a search function to address and check the website (title).

As to claim 9, it is inherent that the request is transmitted as Kumar discloses the request as being received.

As to claims 10,13 Kumar discloses receiving the information and displaying it in HTML format (col 18, lines 38-45).

As to claims 11,14,40,41 it is very well known in the art to arrange prices in order. Therefore, it would have been obvious to one of ordinary skill in the art to arrange prices in order from lowest to highest to allow the user to have the information in a more usable format.

As to claims 12,15, the information is shown as having a URL (Inherent in that webpages are sent).

As to claim 16, it is inherent that the information is promotional in nature as it is shown to for products or services.

As to claim 17,43, it is inherent that a web browser utilizes HTML as this is how websites are read by browsers and the system is a search function (title).

As to claim 18, Kumar discloses retrieving data at agreed upon times (col 18, lines 38-40).

As to claims 19,44, the link is inherently an HTML link as this is how browsers read sites.

As to claims 20,45, it is very well known in the art to computer systems to be secure, therefore, it would have been obvious to one of ordinary skill in the art to use a secure area to ensure that user's data is not stolen.

As to claims 21, Kumar discloses storing the data in a local database (89).

As to claim 22, Kumar discloses accepting user input to display the website (col 18, lines 44-45), accumulating a specified number of results for each websites (the hits at that website), consisting of promotional information associated with the website (col 18, lines 31-32), and generating a display (col 18, lines 43-45). It would have been

obvious to one of ordinary skill in the art to include a time and date stamp so the user

could tell if the data is current.

As to claim 23, the exact number or results would be considered to be an

obvious matter of design choice and therefore, not patentably distinct.

As to claim 24,46, Kumar discloses caching the information (col 15, lines 62-67).

As to claims 25,47 it would be obvious to one of ordinary skill in the art to check if

the data is defective as this could be a virus which could damage computers, Kumar is

shown to poll the website whether the data is defective or not and further, discloses

checking the websites to ensure the data is the same (col 16, lines 63-67).

As to claims 26,48 it would be inherent to use HTML as this is how browsers

read the information on websites and, as previously discussed, stores it in the database.

As to claim 27, Kumar discloses searching based on descriptive data (col 16,

lines 557-60).

As to claims 28, 49, Kumar would check low-reliability links and, as the data is

presented to the user, it would be inherent that it is checked to ensure that it meets the

user's requirements.

As to claims 29,50, Kumar does not specifically mention the user query as being

one of a book title, author, music title or artist. It is very well known in the art to buy

books and music over the Internet, and further, Kumar discloses the system as querying

Amazon.com (col 15, lines 5-52), a well-known, Internet book-seller. Therefore, it would

have been obvious for the query to be one of a book title, author, music title or artist as

these are useful in finding music or books that a user might like and, as discussed

above, Kumar discloses checking the cached statistics with the actual ones on the website.

As to claim 31, it would be inherent that the data would not be compiled if it was for an incorrect product and further, would include product title (as this is how it would be searched) and link to other websites (col 16, lines 51-55). Kumar does not, however, teach using a standard industry identification number. It would have been obvious to one of ordinary skill in the art to use an ID number to ensure that the proper item is displayed.

As to claim 33, the user machine would be the user's computer, the network would be the Internet.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US PAT 5,802,524 to Flowers et al. discloses a search engine with caching.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.
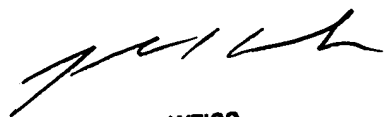
The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF
10/03/05

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